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PART I-A

CENTRAL SECTION

**Orders and Notifications (Other than those published in Part IV-B)
under the Gujarat Local Boards, Village Panchayats, Municipal
Boroughs, District Municipal, Primary Education and Local
Fund Audit Acts.**

PANCHAYAT, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 22nd April, 2022

NO.KP-29-2022/PRH/2017/213882/KH-2:- WHEREAS the State Government has, in exercise of the powers conferred by sub-section (1) of section 4 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005) (hereinafter referred to as "the said Act") notified the Gujarat Rural Employment Guarantee Scheme, 2006 vide Government notification, Panchayat, Rural Housing and Rural Development Department No. GVK/NREGA-06-SPS-28-(21)-KH, dated the 1st August, 2006;

AND WHEREAS the Government of India, Ministry of Rural Development has, amended Schedule I and Schedule II of the said Act vide Central Government Notification, Ministry of Rural Development S.019 (E), dated the 3rd January, 2014;

AND WHEREAS in Writ petition (Civil) No. 857 of 2015, the Hon. Supreme Court of India has directed, its judgement dated the 18th May, 2018, the Central Government through the Ministry of Rural Development to prepare urgent time bound mandatory program to make the payment of wages and compensation to the workers;

AND WHEREAS the Ministry of Rural Development, Government of India has directed (vide it's several letters) to the State Government to ensure that compensation for delayed payment is made over to the workers whose wages have been delayed beyond 15 days as postulated by paragraph 29 of the Schedule II of the MNREGA Act and the guidelines for compensation formulated pursuant thereto;

AND WHEREAS the Government of Gujarat has considered the above directions and decided to amend the Gujarat Rural Employment Guarantee Scheme, 2006;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of section 4 read with para 29 of the Schedule II of the said Act, the Government of Gujarat hereby amends the Gujarat Rural Employment Guarantee Scheme, 2006, as under:-

1. (1) These Scheme may be called the Gujarat Rural Employment Guarantee (Amendment) Scheme, 2021.
- (2) It shall come in to force on the date of its publication in the *Official Gazette*.
2. In the Gujarat Rural Employment Guarantee Scheme, 2006, after clause 17, the following clause shall be inserted, namely:-

"17A. Compensation for delayed payment of wages.

- (a) Any delay in payment of compensation beyond a period of fifteen days from the date it becomes payable, shall be considered in the same manner as the delay in payment of wages.
- (b) MGNREGA soft system shall be used for automatically calculating and the compensation payable at the rate of 0.05% of the unpaid wages per day of delay beyond the sixteenth day of closure of muster roll and the date of deposit of wages in the savings accounts of the wage seekers.
- (c) The State Government shall pay the compensation upfront after due verification of the time limits as specified above and recover the compensation amount from the functionaries or agencies responsible for the delay in payment. For effecting recovery of the delay compensation from the functionaries / agencies, whenever found necessary- looking to the facts and circumstances of the case, a seven days' notice for being heard shall be given to the functionary / agency as the case may be and the decision shall be taken after taking into account the explanation / reply received from such functionary / agency.

Once the Program Officer approves the recoveries, the recoveries will be effected automatically in the Salary pay order of the functionaries and commission pay orders of the paying agencies. Collected recoveries shall be credited in to SEGF account. For accounting purpose of recoveries, a separate account within SEGF shall be maintained at State level. The District Program Coordinator and Program Officer shall follow the extant recovery procedures to recover the compensation amount so paid under the system from the functionaries/agencies responsible for such delay in payment of wages. Therefore recovered amount shall be reimbursed into SEGF account periodically.

- (d) The District Programme Co-ordinator and the Programme Officer -MGNREGA shall be responsible for ensuring the implementation of Delayed compensation for delayed payment of wages.
- (e) The Program Officer (PO) shall, within 15 days from the date the delay compensation became due, decide whether the compensation that has been automatically calculated by the MGNREGA soft is payable or not. The Program Officer shall ensure that compensation claims are settled within stipulated time-limit and such claims shall not be allowed to be accumulated without decision. The DPC shall monitor this regularly.
- (f) The compensation payable shall be decided by the Program Officer except in case of the following circumstances:
 - (i) Funds are not available at the paying authority level,
 - (ii) Compensation not due (wages have been paid in time, but details not entered /updated in MIS),
 - (iii) Natural calamities,

In all cases of rejection, the Program Officer shall give detailed reason (s) for rejection in the MGNREGAsoft.

- (g) The number of days of delay, the compensation payable and actually paid shall be reflected in the Monitoring and Information System and the Labour Budget.
- (h) In the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme, the Programme Officer (Taluka Development Officer) is the officer responsible for the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme at the Taluka Level. Various functionaries like Technical Assistant, Taluka MIS Co-ordinator, Accounts Assistant, Assistant Programme Officer, Gram Vikas Coordinator, Talati shall be individually responsible for the discharge of their duties as following:

Sr. No.	Functionaries	Responsibility	Actual Days
1.	MATE	Closure of Electronic Muster Roll	T0
2.	Gram Vikas Coordinator / Gram Rojagar Sevak	To take the Electronic Muster Rolls (E-MRs) in own custody from Work site	T1

Sr. No.	Functionaries	Responsibility	Actual Days
3.	Talati	To certify the work done	T2
4.	Technical Assistant / Assistant Works Manager	Measurement of Works done	T4
5.	MIS data Entry operator	To make data entry and generate Wage list	T5
6.	Assistant Program Officer	To verify the wage list, Electronic Muster Rolls (E-MRs) and other documents	T6
7.	Pre-Auditor	Pre-Audit Electronic Muster Rolls E-MRs)	T6
8.	Accounts Assistant	Verification and Generation of Fund Transfer Orders (FTOs)	T7
9.	Program Officer (Taluka Development Officer)	Approval of Fund Transfer Orders (FTOs)	T8

- (i) The time limit has been fixed as 8 days in the above table with the basic objective of processing and crediting the wages in the workers accounts within the next 7 days, thus, ensuring that wages are paid to the workers within the statutory limit of 15 days.
- (j) All cases of payments towards delay compensation shall be placed before the State Employment Guarantee Council of Mahatma Gandhi National Rural Employment Guarantee Scheme from time-to-time for ratification.

By order and in the name of the Governor of Gujarat,

R. A. VAGHELA,
Under Secretary to Government.

